

Minutes of the Meeting
of the
REAL ESTATE LICENSE COMMISSION
OF THE TERRITORY OF HAWAII

January 31, 1952, at the offices of the Commission, Rooms 109 and 121,
Honolulu Armory, Honolulu, T. H.

Present:

Eaton H. Magoon, Chairman
John K. Akau, Jr., Member
Kinji Kanazawa, Administrator
Stephen K. Miyagawa, Investigator

The regular meeting of the Real Estate License Commission of the Territory of Hawaii was called to order by Mr. Eaton H. Magoon, newly appointed Chairman, at 9:00 a.m. in the offices of the Commission, Honolulu Armory, Honolulu, Hawaii. Mr. John K. Akau, Jr., new Commission member who replaced Mr. Bolles, former chairman, was introduced to those present by Mr. Magoon. Reading of the minutes of the previous meeting was dispensed with, and the following business and actions were taken:

ORDER OF BUSINESS

Reinstatement Requests from Brokers
and Salesmen Whose Licenses Were
Forfeited in 1951

The Administrator explained to the Commission that a number of salesmen and brokers failed to renew their real estate licenses as provided in Section 7740, Chapter 150, Revised Laws of Hawaii, as amended, and thereby forfeited their licenses as of January 1, 1952. These individuals have now made proper petitions and paid the required fee of \$25.00 to reinstate their licenses. Mr. Kanazawa, Administrator, reviewed with the Commission the past policy of granting temporary approval upon submission of a proper petition and the payment of the required \$25.00 reinstatement fee, and officially approving them at the next regular meeting. This policy was unanimously approved by the members. Upon a motion duly made by Mr. Magoon and seconded by Mr. Akau, it was unanimously approved to reinstate the licenses of the following salesmen and brokers:

Brokers

1. James China
2. R. A. Kearns
3. Kazuo Yoshioka
4. Hung Wai Ching
5. Chock Chong
6. Kamina Enterprises, Ltd.
7. Sam R. Damon
8. Thomas Hee Ching

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Salesmen

- | | |
|--------------------------|------------------------|
| 1. Evangeline S. Kearns | 8. Rebecca L. Spellman |
| 2. James F. Mooney | 9. Taro Uyebara |
| 3. Katsu Kudo | 10. John Y. Goo |
| 4. Hugo Von Platen Luder | 11. Allen L. Pang |
| 5. Konimi Pai Cho | 12. Hisoon Pack |
| 6. Clarence Jim | 13. Mun Soon Song |
| 7. Robert Fong | |

Special Requests from Applicants
To Take the Coming Examinations

- (a) Milton Chester Prout, broker applicant and a Seventh Day Adventist, requested that he be permitted to take his examination on a day other than on a Saturday. After much discussion, the recommendation of giving him the examination on Monday, February 11, 1952 was unanimously approved by the Commission members.
- (b) Fusao Taniguchi, broker applicant, requested that he be given an oral examination due to his physical handicap. The members unanimously approved the granting of this request. It was recommended by the Commission members that some record of the oral examination be kept. The date and time of the examination was left to the discretion of the Administrator.
- (c) Charles R. Teixeira, Jr., requested the Commission allow him to take the broker's examination on February 9, 1952 although he lacks 14 days to make the required period of one year as a salesman. Mr. Teixeira felt that the Commission's delay in granting him his salesman's license prevented him from completing the one year period along with the other salesmen who took the examination at the same time he took in 1951. The Commission members unanimously agreed to accept ^{the} recommendation of the Investigator and deny his request. The Administrator was advised to notify Mr. Teixeira of the Commission's decision. (see report and Mr. Teixeira's communications attached)

Brokerage Applications

- (a) Aluli, Ltd. - Kep C. Aluli, broker, at 1892 Kalakaua Avenue filed a brokerage application to license Aluli, Ltd. The Commission members unanimously approved this application subject to receipt of proper information showing that this brokerage organization is properly incorporated.
- (b) Beadle & James - Irwin H. Beadle, Jr. and Theodore R. James,

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brokers, applied to license the partnership of Beadle and James. The Commission members unanimously approved the granting of this license subject to the same requirement as in the case of Aluli Ltd.

- (c) Pawaa Realty - Mr. Luke M. Tyau, broker, requested permission to operate his real estate business under the unincorporated name of Pawaa Realty. After some discussion, it was unanimously approved that Mr. Tyau may be allowed to use the fictitious name of Pawaa Realty provided this name is registered at the Treasurer's and that Mr. Luke is the broker solely responsible for the actions of this brokerage. (See attached letter)

Attorney General's Report

The Administrator reported a communication was sent to the Territorial General's office of a list of proposed rules approved by the Commission at its last meeting. (See letter dated November 30, 1951) It was reported that as soon as the the Attorney General's office reduces these rules in proper language, the Commission can then forward them to the Governor's office for his approval. The Commission members unanimously concurred with the Administrator and requested that they be informed of the contents of the communication from the Attorney General's office upon receipt.

Circulation of the Agenda of Commission Meetings

Mr. Magoon, Chairman, suggested that hereafter it would be a good idea to circulate the agenda of each meeting in advance among the Commission members. A day or couple days in advance would be sufficient. Also before any formal hearings are scheduled, Mr. Magoon suggested that briefs of the case be presented to the Commission members to determine the necessity of holding such a hearing. This would save a lot of time of all persons involved. Mr. Akau, member, seconded the suggestions and it was unanimously carried.

Approval of Commission Expenditures

The Commission members unanimously approved the following expenditures incurred by the Commission for the months of November and December.

November 1951	\$288.38
December 1951	84.25

The Commission members also approved the payment of the National Association of License Law Officials dues. This Commission is a member of the National Association of License Law Officials. The association dues have been determined for 1952 as follows:

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Association dues for 1952.....	\$50.00
Bulletin Service for 1952.....	25.00
Total	<u>\$75.00</u>

Special Calling Card for Investigator

The Administrator requested the Commission Investigator be provided with calling cards to identify himself. He informed the Commission that it is a general practice for other government departments to provide cards for their agents who are in frequent contacts with the public. The members unanimously approved this request.

Number of Applicants Taking Real Estate
Broker and Salesmen Examinations

It was reported 101 salesman applicants and 48 broker applicants filed applications to take the real estate examinations scheduled for Saturday, February 9, 1952. This made a total of 149 applicants. The examination was reported to be held in Room 105, Social Science Building, at the University of Hawaii.

Recommended Date of Next Real Estate
Broker and Salesman Examinations

The Administrator's recommendation to hold the next real estate salesman and broker's examinations on May 17, 1952 was unanimously approved and carried. The deadline for filing the applications will be May 5, 1952.

Minor Violations

1. Claude K. Malani, salesman - Mr. Malani was cited for the violation of Section 7741, Chapter 150, Revised Laws of Hawaii, 1945, as amended. Mr. Malani failed to comply with our request of January 10, 1952 to notify this Commission of his present employing broker. The Administrator recommended that action be taken pursuant to the provisions in subparagraph 12, Section 7741, Chapter 150, Revised Laws of Hawaii. This recommendation was made subject to failure of Mr. Malani to comply immediately with the requirements. The members unanimously approved such action.
2. Marian F. Tsue, saleswoman - Case closed due to lack of evidence to prove violation of our real estate laws. See attached Investigator's report. The members concurred with the recommendations of the Investigator.
3. Eva Carlson, Broker - See attached Investigator's report on the

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case. Since the Commission had no jurisdiction over this matter, case was closed. This action was unanimously approved by the Commission members.

4. Edward Peacock of Real Estate Exchange - Violation of Rule 13. A letter of reprimand was sent to Mr. Peacock. Mr. Peacock was reported to have taken proper measures to correct the violation. Case closed. The members unanimously approved the action. (see Investigator's report)
5. N. D. McQuerrey, broker - Violation of Rules 8 and 13. The Administrator personally reprimanded Mr. McQuerrey, who made immediate correction. The members approved the action taken. Case closed. (See Investigator's report)
6. Gabriel Garduque, broker - Violation of Rule 12. See attached Investigator's report. The recommendation that a letter of reprimand be send to Mr. Garduque was unanimously approved by the members.
7. Pablo Realty Company - Alleged violation of Section 7741. The case was closed for lack of evidence. See attached Investigator's report. Action taken-unanimously approved.
8. Robert S. Wong, salesman - Alleged violation of Section 7741 (9). The case was closed for lack of evidence. See attached Investigator's report. Action was unanimously approved by the members.
9. Beadle and James - Violation of Section 7736, Chapter 150, Revised Laws of Hawaii 1945, as amended 1951. See Investigator's report. Realtors Beadle and James were reported to have opened a real estate office without a partnership license. This violation was corrected by Beadle and James. A partnership license application was approved by the Commission.
10. Hoogs and Clark - Violation of Section 7736, Chapter 150, Revised Laws of Hawaii 1945, as amended 1951. It was reported, Hoogs and Clark, real estate office, will apply for a brokerage license if so directed by the Commission. They claimed their real estate office constitutes a joint venture. Commission investigator found otherwise. This delay in taking out a license was reported to be due to the possibility of passage of a proposed rule. This rule would eliminate the \$25.00 license fee.

Case of Pastor A. Pablo


Mr. Magoon, Chairman, inquired about the disposition of Mr. Pablo's case whose license was suspended for 30 days in December. The Administrator

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reported that the Attorney General's Office is handling this matter. It was reported Mr. Pablo through his attorney filed a motion in the Circuit Court for a temporary injunction against the Commission. The Court granted the injunction and issued an order to show cause for the action of the Commission in suspending Mr. Pablo for 30 days. The Commission through the Attorney General filed an answer to the order and requested the matter be set for trial. Mr. Pablo's attorney has not responded to this request. The Commission agreed to leave this matter in the hands of the Attorney General.

There being no new business the meeting was adjourned.

Respectfully submitted,


Kinji Kanazawa
Administrator